

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

STEVEN MICHAEL BRAITHWAITE,
ADAM THOMAS BRAITHWAITE, and
NEBRASKA RAILCAR CLEANING
SERVICES, LLC,

Defendants.

8:18CR216

ORDER

This matter is before the court on the request of the government and defendants to declare this case as complex and to schedule a Rule 17.1 Pretrial Conference. (Filing No. 24.) The court previously granted the parties' joint Motion to Designate the Case as Complex and set the 17.1 Pretrial Conference for today, November 1, 2018. (Filing No. 24.) The court finds that the ends of justice have been served by scheduling such a conference and outweigh the interests of the public and the defendants in a speedy trial. The additional time arising as a result of the scheduling of the Fed. R. Crim. P. 17.1 conference, i.e., the time between October 16, 2018, and November 1, 2018, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Additionally, based on information provided by the Motion to Designate the Case as Complex and representations made by counsel for the parties, the court finds that this case is so unusual and so complex due to the nature of the prosecution, the existence of novel questions of fact and law, and the amount of discovery, it would be unreasonable to expect adequate preparation for pretrial proceedings or for the trial within the time limits established by the Speedy Trial Act. **See** 18 U.S.C. 3161(h)(7)(B)(ii).

IT IS ORDERED:

1. The government shall have until December 13, 2018 in which to provide discovery to the defendants.
2. A status conference shall be held on April 22, 2019 at 2:00 p.m. to discuss the progression of the case and possibly set a date for the filing of pre-trial motions.
3. The ends of justice have been served by granting the parties' request and outweigh the interests of the public and the defendants in a speedy trial. The additional time arising as a result of the

granting of the motion, i.e., from November 1, 2018, through April 22, 2019, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. 3161(h)(7)(A) & (B).

Dated this 1st day of November, 2018.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge